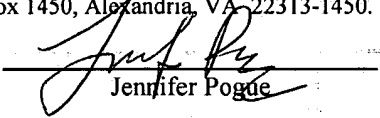




IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 1614	<u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.8</u>
EXAMINER:	DATE OF DEPOSIT: <u>September 21, 2006</u>
APPLICANT: FIKSTAD, DAVID ET AL.	I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
SERIAL NO.: 10/700,838	 Jennifer Pogue
FILED: 11/3/2003	
CONFRM. NO.: 5766	
FOR: "PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE"	
DOCKET NO.: 01235-23625	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form **PTO/SB/08A** which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure statement is filed pursuant to:

- ☐ 37 C.F.R. § 1.97(b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;
- ☒ 37 C.F.R. § 1.97(c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1)

a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in 37 C.F.R. § 1.17(p);
or

☐ 37 C.F.R. § 1.97(d), after a Final Office Action or Notice of Allowance,
whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1)
a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in 37 C.F.R. §
1.17(p).

While no representation is made that any of these references may be “prior art” within the
meaning of that term in accordance with 37 C.F.R. §§ 102 or 103, the enclosed list of references
is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent
office records has been conducted or that no better art exists, the undersigned attorney of record
believes that the references listed, together with any other references which may have been
previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of
which the undersigned is presently aware, and no art which is closer to the claimed invention
(taken in its entirety) has been knowingly withheld.

☐ A legible copy of each listed U.S. Patent or publication (or relevant portion
thereof) which was not previously submitted to, or cited by, the Patent Office is enclosed
pursuant to 37 C.F.R. §§ 1.97 and 1.98.

☒ A legible copy of each of the listed non-patent literature and foreign documents or
their relevant portions is enclosed.

☒ Copies of cited U.S. patents and/or publications are NOT enclosed pursuant to the
Official Gazette Notice, dated August 5, 2003, waiving the requirement of 37 C.F.R. §
1.98(a)(2)(i).

☐ Copies of the references listed in the accompanying Form PTO/SB/08A and PTO/SB/08B are NOT enclosed because, under 37 C.F.R. § 1.98.(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 37 C.F.R. § 1.20.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated September 21, 2006.

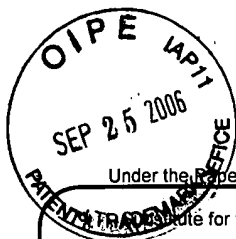
Very truly yours,



David W. Osborne
Attorney for Applicant
Registration No. 44,989

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
(801) 566-6633

DWO/PSS/jp
Enclosures



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/700838
Filing Date	11/03/2003
First Named Inventor	DAVID FIKSTAD ET AL.
Art Unit	1614
Examiner Name	
Attorney Docket Number	01235-23625

Sheet

of

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6589562	07-08-2003	Shefer et al.	
		US- 5874418	02-23-1999	Stella et al.	
		US- 6046177	04-04-2000	Stella et al.	
		US- 6692766	02-17-2004	Rubinstein et al.	
		US- 5989583	11-23-1999	Amselem	
		US- 6887493	05-03-2005	Shefer et al.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO9850077	11-12-1998	Cydex Inc.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IFW

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September 20, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL OF SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/700,838 filed 11/03/2003
Applicant: DAVID FIKSTAD-ET AL.
Title: **"PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED
SOLUBILIZER RELEASE"**
Group Art Unit: 1614
Attorney Docket No.: 01235-23625

Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is a Supplemental Information Disclosure Statement. Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form **PTO/SB/08A** list of 7 references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☒ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☒ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

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8180 South 700 East • Suite 350 • Sandy, Utah 84070-0562 • 801.566.6633 • f. 801.566.0750 • patlaw@tnw.com | U.S. Mailing Address: P.O. Box 1219 • Sandy, Utah 84091-1219

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The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

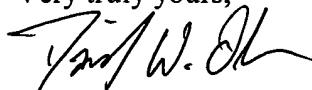
- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☒ Check No. 26430 which includes the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Very truly yours,



David W. Osborne
Attorney for Applicant
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